

Notice of Allowability

Application No.

10/092,897

Examiner

Roy M. Punnoose

Applicant(s)

YAMAZAKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 12/9/2004.
2. ☒ The allowed claim(s) is/are 7-9.
3. ☒ The drawings filed on 08 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

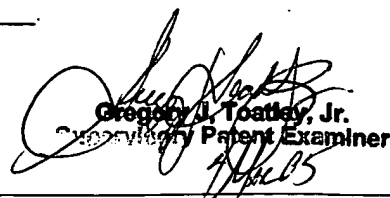
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2002-2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Toatley, Jr.
Patent Examiner

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 7-9 in the reply filed on December 09, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The examiner's amendment was done to cancel all non-elected claims, claims 1-6 and 10-13, because the election has been treated as an election without traverse (for reasons stated in numbered paragraph 1 above).

The application has been amended as follows:

- a. Cancel claims 1-6 and 10-13.

Allowable Subject Matter

3. Claims 7-9 are allowable.
4. Claim 7 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a foreign matter inspection device for inspecting foreign matters in liquid filled in a transparent container comprising a first and a second irradiation light sources disposed adjacent to each other, wherein the second irradiation light source irradiates a second

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irradiation light of different color from that of the first irradiation light from different direction from that of the first irradiation light to the transparent container, and a color separation mirror disposed on a transmission light optical path and reflection light optical path, in combination with the rest of the limitations of claim 7.

5. Claim 8 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a foreign matter inspection device for inspecting foreign matters in liquid filled in a transparent container comprising a first and a second irradiation light sources disposed adjacent to each other, wherein the second irradiation light source irradiates a second irradiation light of different color from that of the first irradiation light from different direction from that of the first irradiation light to the transparent container, and a half mirror disposed on a transmission light optical path and reflection light optical path and a first filter disposed in the transmission light optical path and a second filter disposed in the reflection light optical path, in combination with the rest of the limitations of claim 8.

6. Claim 9 is allowable because they are dependent on independent claim 8.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Priority

8. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on 14 March 2001 and 28 September 2001. It is noted, however, that applicant has not filed a certified copies of the Japanese application as required by 35 U.S.C. 119(b).

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2059**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
March 03, 2005


Gregory J. Toatley, Jr.
Supervisory Patent Examiner